

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ANDREW L. COLBORN,

Plaintiff,

vs.

**NETFLIX, INC.; CHROME MEDIA
LLC, F/K/A SYNTHESIS FILMS, LLC;
LAURA RICCIARDI; AND MOIRA
DEMOS,**

Defendants.

Civil No.: 19-CV-484-BHL

DECLARATION OF THOMAS PANKOW

I, Thomas Pankow, pursuant to 28 U.S.C. § 1746, hereby declare:

1. My name is Thomas Pankow. I am over the age of 18, and I have personal knowledge of the matters set forth herein.
2. I am a resident of Manitowoc County, Wisconsin, and have lived here since 2000. I lived in Manitowoc during Steven Avery's exoneration, his civil lawsuit against the County, and his trial for the murder of Teresa Halbach.
3. I am the pastor at Grace Evangelical Lutheran Church in Manitowoc, Wisconsin, where I have served since moving to the city. It is through this congregation that I met Andrew Colborn, whom I know as Andy.
4. Andy, his wife Barbara, and their son joined the congregation about 15 years ago. Andy has been a faithful attendee at services since then. He even served as a church elder for the congregation for 6 years, until about 2020.

5. My relationship with Andy is mainly one of pastor and congregant, but we have seen each other socially over breakfast or lunch in the past.

6. The 2005 trial of Steven Avery for the murder of Teresa Halbach was a big deal in the Manitowoc community. Members of the community were interested in it, and I would sometimes hear people talking about it. That makes sense to me because it was so public and immediately present in the day-to-day lives of the community, and was very tragic and sad. I know that, as part of his defense, Avery was accusing law enforcement, including Andy, of planting evidence to frame him for the murder of Teresa Halbach.

7. I do not believe that Andy or any other law enforcement official planted evidence.

8. I never watched the documentary *Making a Murderer*. Because I did not watch it, it could not have and did not change my opinion of Andy in any way.

9. I have had conversations with members of my congregation who did watch the documentary, and I generally understood from those conversations that it includes the story of Avery's conviction for murdering Teresa Halbach. Because I didn't watch it, I did not know until recently that it also includes information on Avery's wrongful conviction for rape and his exoneration. I understand that the documentary includes Avery's claims at his murder trial that Andy and other law enforcement officials planted evidence to frame him. I understand from my conversations with congregants that the documentary did not change their opinions about Andy. No one I have spoken with who knew Andy before the documentary felt differently about him after watching it. If anything, they felt sad for him.

10. I believe Andy knows and is comforted by the fact that opinions of him by his fellow congregants did not change because of the documentary. At Grace Lutheran, we sometimes hold open forums where members of the congregation can share with each other.

After *Making a Murderer* was released, Andy spoke at one of the forums and thanked the congregation for continuing to welcome and accept him. The congregation was very supportive of him.

11. I have spoken with Andy about *Making a Murderer*, its effect on him, and his decision to bring this lawsuit.

12. Andy took *Making a Murderer* very personally, just as he took Avery's claims at trial that he planted evidence very personally.

13. I understand that in this lawsuit Andy is claiming that *Making a Murderer* caused him severe emotional distress. In the time that I have known Andy, I have never seen him gain or lose considerable weight. I am not aware of any physical manifestations of distress by him and did not perceive any in my interactions with him. In all my conversations with Andy, he has always remained even keeled and calm. I am also not aware of any medications Andy was or is taking. He never shared anything about this with me.

14. I have also spoken with both Andy and Barb about the impact of *Making a Murderer* on their family and on their marriage.

15. Andy did not like the public scrutiny he and his family received after *Making a Murderer's* release, but, from my conversations with Andy, it did not seem like he believes opinions of him held by Barb or his children changed because of the documentary or anything people said to them.

16. With respect to the dissolution of their marriage, I only learned that Andy and Barb Colborn were separated about six weeks before the divorce was finalized.

17. Around that time, I also learned from both Andy and Barb that Andy had an affair during the marriage. I know that Andy was the one to file for divorce from Barb, and he shared with me that it was because he fell in love with someone else.

18. I have heard from both Andy and Barb that Andy's decision to sue over *Making a Murderer* and the ensuing months of litigation wore on their relationship. I know that Barb wanted to move on from *Making a Murderer*, while Andy could not.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this ^{13th} day of April, 2022.


Pastor Thomas Pankow